

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America )

vs. )

TREVINO-Morales, Gustavo )

A089 108 015 )

Defendant )

Case No. SA-10-208M

Filed 3/5/2010  
 Clerk, U. S. District Court  
 Western District of Texas  
 By [Signature]  
 Deputy

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 05, 2010 in the county of Bexar in the Western District of Texas, the defendant violated Title 8 U.S.C. § 1326(a), an offense described as follows:

being an alien, was found in the United States having been denied admission, excluded, deported, and removed there from on or about April 30, 2008, and that the defendant had not received the consent of the Attorney General of the United States or his successor, The Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4), and 557) to reapply for admission to the United States, being voluntarily in the United States unlawfully,

This criminal complaint is based on these facts:  
 See attached affidavit.

[Signature]  
 Complainant's signature

Bart Pawlak, Deportation Officer  
 Printed name and title

Sworn to before me and signed in my presence.

Date: March 05, 2010

[Signature]  
 Judge's signature

City and state: San Antonio, Texas

Honorable John W. Primomo, U.S. Magistrate Judge  
 Printed name and title

## Maximum Penalties:

2 years confinement, \$250,000 Fine or both; 1 year supervised release; \$100 mandatory special assessment

AFFIDAVIT

Being duly sworn, I declare that the following is true and correct to the best of my knowledge.

My name is Bart Pawlak and I am a Deportation Officer with Immigration and Customs Enforcement (ICE) and I have been employed since June 02, 2002. I am authorized by the United States Department of Homeland Security to enforce the Immigration Laws and Regulations of the United States or any other Laws or Regulations designated by the Attorney General or his successor, the Secretary of the Department of Homeland Security.

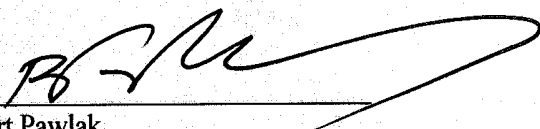
On December 03, 2009, TREVINO-Morales, Gustavo (TREVINO) was encountered at the City of San Antonio Magistrate Office in San Antonio, Texas, subsequent to an arrest for Possession of Marijuana less than 1 gram. Immigration Enforcement Agent (IEA) Gerardo Parada interviewed TREVINO to determine his alienage and citizenship. After it was determined that TREVINO was within the United States illegally, an Immigration Detainer was issued upon him.

On December 04, 2009, TREVINO's fingerprints were submitted through the Immigration and FBI databases. The databases revealed that TREVINO was assigned Alien Registration Number A089 108 015. A review of the Alien Registration File for A089 108 015 indicated that TREVINO was previously removed to Mexico on or about April 30, 2008.

On March 05, 2010, TREVINO was released to ICE - Criminal Alien Program.

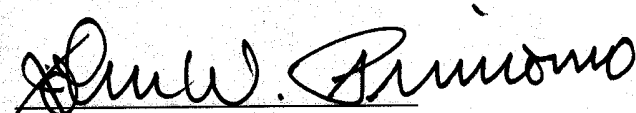
Immigration databases revealed that TREVINO has not been granted permission to reapply for admission from the Attorney General of the United States, or his successor, after deportation/removal. TREVINO was then advised of his Miranda Rights.

The defendant also received consular notification and the Consulate of Mexico was notified via form I-264 on March 05, 2010.



Bart Pawlak  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn before me the 5th day of March 2010.



United States Magistrate Judge  
Honorable John W. Primomo